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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,212	12/09/2003	Lisa C. Tidwell	020375-041700US	4614
20350 7590 05/05/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER HOLLY, JOHN H	
			ART UNIT 3694	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,212	Applicant(s) TIDWELL ET AL.	
	Examiner JOHN H. HOLLY	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to an AMENDMENT entered 01/20/2009 for the patent application 10/731,212.

Status of Claims

1. Claims 1 – 12 and 16 - 32 are pending in the Application.
Claims 10, 16, 20 and 25 have been amended in the Application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 - 12 and 16 - 32 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Randy Templeton et al. (Pub. # US 2003/0130919 A1 – herein referred to as Templeton) in view of David W. Deaton (Pub. # US 2002/0073019 A1 – herein referred to as Deaton).

Re: Claim 1, Templeton discloses an apparatus that scores risk associated with accepting a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing, the apparatus comprising:
a computer processor configured to receive information about a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing, the computer processor further configured to determine a risk score associated with

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accepting the check, the risk score being based at least in part on information from the database indicative of the proximity of the employer to the check-cashing entity (Templeton, [0102], [0107 - 0108]).

However, Templeton does not expressly disclose an apparatus that scores risk associated with accepting a payroll check issued by an employer to an employee and presented to a check-cashing entity for cashing, the apparatus comprising: a database that stores geographic-related information about employers.

In a similar field of endeavor, Deaton discloses a database that stores geographic-related information about employers (Deaton, [0109], [0130], [0209]).

In light of the teaching of Deaton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Templeton wherein a database that stores geographic-related information about employers as recited in claim 1.

This motivation would be one of providing for updating customer database both local and global. Customer's database would be continually updated with local customer information, either automatically through processing check transactions or through operator - input of customer status information. This motivation would also prove to be an asset with respect to improved security of check and balance of transaction processing.

Re: Claim 2, Templeton discloses the apparatus of Claim 1, wherein the database stores the geographic-related information about the employers as at least one of the set consisting of:

a street address, city name, county name, state name, country name, region name, zip code, time zone, and metropolitan statistical area (MSA) (Deaton, [0209]).

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The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 3, Templeton discloses the apparatus of Claim 1, wherein the database further stores geographic - related information about the check-cashing entity (Deaton, [0028], [0108]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 4, Templeton discloses the apparatus of Claim 3, wherein the computer processor is further configured to determine a risk score indicative of higher risk when the geographic-related information indicates that the employer and the check-cashing entity are located at a greater distance from one another, and to determine a risk score indicative of lower risk when the geographic-related information indicates that the employer and the check-cashing entity are located at a lesser distance from one another (Templeton, claims 63 and 74).

Re: Claim 5, Templeton discloses an apparatus that scores risk associated with accepting a check issued by a first party to a second party and presented for cashing by a check-presenter claiming to be the second party, the apparatus comprising: a database that stores geographic-related information about check issuers (Deaton, [0109], [0130], [0209]); and a computer processor configured to receive information about a check issued by a check issuer to a second party and presented to a check-cashing entity for cashing, the computer processor further configured to determine a risk score associated with accepting the check, the risk score being based at least in part on geographic-related information from the database associated with the check issuer (Templeton, [0102], [0107 - 0108]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 6, Templeton discloses the apparatus of Claim 5, wherein a check issuer is at least one of the set consisting of:
a government entity, a business entity, a financial entity, and an employer
(Deaton, [0027], [0050]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 7, Templeton discloses the apparatus of Claim 5, wherein the computer processor is further configured to determine the risk score based at least in part on geographic-related information about the check-cashing entity (Deaton, [0028], [0108]).
The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 8, Templeton discloses the apparatus of Claim 7, wherein the computer processor is further configured to determine the risk score based at least in part on a comparison between the geographic-related information associated with the check issuer and the geographic-related information about the check-cashing entity (Templeton, fig. 11, [0072 - 0073]).

Re: Claim 9, Templeton discloses the apparatus of Claim 5, wherein the computer processor is further configured to determine the risk score based at least in part on rules agreed upon by the check-cashing entity and by a check authorization system that scores the risk (Templeton, [0070 - 0071]).

Re: Claim 10, Templeton discloses a method of scoring risk associated with a check transaction, the method comprising:
receiving at a computer processor information about a check issued by a check issuer to a second party and presented to an entity in association with a check transaction (Templeton, [0172]);

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accessing by the computer processor geographic-related information about the check issuer stored in a database (Deaton, [0109], [0130], [0209]); and
determining with the computer processor a risk score associated with the check transaction, based at least in part on the geographic-related information associated with the check issuer (Deaton, [0028], [0108]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 11, Templeton discloses the method of Claim 10, further comprising determining the risk score associated with the check transaction based at least in part on positive pay information associated with the check (Templeton, [0073], [0170]).

Re: Claim 12, Templeton discloses the method of Claim 10, further comprising determining the risk score associated with the check transaction based at least in part on biometric information obtained from an individual presenting the check in association with the check transaction (Templeton, [0049]).

Re: Claim 16, Templeton discloses a method that scores risk associated with a proposed financial transaction, the method comprising:
receiving at a computer processor information about an issuer of a negotiable instrument issued to a second party and presented in association with a proposed financial transaction (Templeton, [0172]);
accessing with the computer processor geographic-related information associated with the issuer of the negotiable instrument and stored in a database (Deaton, [0109], [0130], [0209]); and
determining by the computer processor a risk score associated with the proposed financial transaction based at least in part on the geographic-related information about the issuer (Templeton, [0102], [0107 - 0108]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 17, Templeton discloses the method of Claim 16, wherein accessing geographic-related information comprises accessing a repository of stored geographic-related information associated with issuers of negotiable instruments (Templeton, [0080]).

Re: Claim 18, Templeton discloses the method of Claim 17, further comprising requesting additional geographic-related information about the issuer of the negotiable instrument if the repository does not hold desired information about the issuer (Templeton, [0081- 82]).

Re: Claim 19, Templeton discloses the method of Claim 18, further comprising updating the repository with the requested additional geographic-related information associated with the issuer of the negotiable instrument (Templeton, [0080 - 81]).

Re: Claim 20, Templeton discloses a computerized method for determining whether to authorize the payment of a check presented to an entity, the method comprising:
obtaining by the computer processor geographic information about an issuer of a check issued to a second party and presented to an entity by a check presenter (Templeton, claims 63 and 74);
comparing by the computer processor the geographic information with data about the location of the entity (Templeton, [0102], [0107 - 0108]);
determining by the computer processor a risk score based at least in part on the comparison (Templeton, [0086]); and
determining by the computer processor whether to authorize the payment of the check based at least in part on the risk score (Templeton, [0147 - 0154]).

Re: Claim 21, Templeton discloses the computerized method of Claim 20, wherein obtaining geographic information about the check issuer comprises using information

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from magnetic ink character recognition (MICR) line on the check to access stored geographic information about the issuer of the check (Templeton, [0088]).

Re: Claim 22, Templeton discloses the computerized method of Claim 20, wherein comparing the geographic information with data about the location of the entity comprises determining a proximity- based categorization based on the proximity of a location associated with the check issuer to the location of the entity (Templeton, [0091], [0093], [0112]).

Re: Claim 23, Templeton discloses the computerized method of Claim 20, wherein comparing the geographic information with data about the location of the entity comprises calculating a distance between a location associated with the check issuer and the location of the entity (Templeton, [0137]).

Re: Claim 24, Templeton discloses the computerized method of Claim 23, wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of lower risk when the calculated distance is smaller and determining a risk score indicative of higher risk when the calculated distance is greater (Templeton, [0085], [0170]).

Re: Claim 25, Templeton discloses a computerized system that determines whether to authorize a proposed check transaction, the system comprising:

a database of information about check issuer locations

(Templeton, [0102], [0107 - 0108]); and

a computer processor configured to obtain data about an issuer of a check issued to a second party and presented at a check-cashing entity in association with a proposed check transaction, the computer processor further configured to use the data about the check issuer to access information stored in the database to determine a risk score based at least in part on the accessed information, and to determine based at least in part on the risk score whether to authorize the proposed check transaction

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(Templeton, [0070 - 0071], [0073]).

Re: Claim 26, Templeton discloses a system for scoring risk associated with a check-cashing transaction, the system comprising: means for receiving information about a check issued by a check issuer to a second party and presented to a check-cashing entity for cashing(Templeton, [0102], [0107 - 0108]);

means for accessing geographic-related information about the check issuer (Deaton, [0209]); and

means for determining a risk score associated with the check-cashing transaction, based at least in part on the geographic-related information associated with the check issuer (Deaton, [0028], [0108]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 27, Templeton discloses the system of Claim 26, further comprising:

means for accessing geographic-related information about the check-cashing entity (Deaton, [0109], [0130], [0209]); and

means for comparing the geographic-related information associated with the check issuer and the geographic-related information about the check-cashing entity (Templeton, [0086], [0088]).

The rationale for support motivation and obviousness and reason to combine see claim 1 above.

Re: Claim 28, Templeton discloses the system of Claim 27, further comprising means for using the comparison to determine a measure of proximity associated with the check-cashing transaction (Templeton, [0102], [0107 - 0108]).

Re: Claim 29, Templeton discloses the system of Claim 28, further comprising means for determining a location- related risk score based at least in part on the measure of proximity (Templeton, [0027], claim 35, claim 74).

Re: Claim 30, Templeton discloses the system of Claim 29, wherein the means for determining a risk score associated with the check-cashing transaction comprise determining the check cashing transaction risk score based at least in part on the location related risk score (Templeton, [0027], claim 35, claim 74).

Re: Claim 31, Templeton discloses the system of Claim 30, wherein the means for determining a risk score associated with the check-cashing transaction further comprise basing the check-cashing transaction risk score at least in part on positive pay information about the check (Templeton, [0018], [0024], [0106]).

Re: Claim 32, Claim 32 is a system claim corresponding to method claim 12. Therefore, claim 32 is analyzed and rejected as previously discussed with respect to claim 12.

Examiner's Note:

The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

Applicant's arguments filed on 20 January 2009 have been fully considered but they are not persuasive. Applicant at pp. 8-13 denies the rejection without offering argument or

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evidence to refute the rejection. This fails to comply with 37 CFR 1.111(b) because applicant's arguments amount to a general allegation that the claims define a patentable invention without distinctly and specifically pointing out the supposed errors in the examiner's action. The last rejection is accordingly repeated and made final.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN H. HOLLY whose telephone number is (571)270-3461. The examiner can normally be reached on Mon. - Fri. 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. H./

Examiner, Art Unit 3694

/Mary Cheung/

Primary Examiner, Art Unit 3694